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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PTO/SB/64 (09-06)

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

GARDNER

First named inventor:

GARDNER, WILSON

Application No.:

10/714,956

Art Unit:

3617

Filed:

11/18/2003

Examiner:

SOTELO, JESUS

Title:

BIO MECHANICALLY CORRECT PEDAL POWERED PADDLING
SYSTEM FOR SMALL WATERCRAFTS

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee; (A)
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 150.- (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of NOTICE OF FAILURE TO FULLY RESPOND (identify type of reply):
TO NOTICE REQUIRING EXCESS CLAIMS FEES.

☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 10/16/2006 SDENBOB1 00000074 10714956

☐ has been paid previously on _____
☐ is enclosed herewith.

01 FC:2453

750.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/83).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Wilson Gardner
Signature

Sept 21, 2006
Date

WILSON GARDNER
Typed or printed name

Registration Number, if applicable

355 GOODWILL DRIVE, BOX 400
Address

(705) 693-0300
Telephone Number

GARSON, ON, P3L 1S7, CANADA
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: COVER LETTER + RESPONSE

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

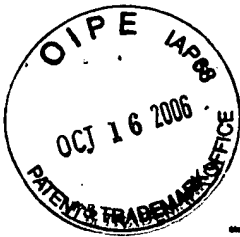
☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate



WILSON GARDNER

355 Goodwill Drive, Box 400, Garson, Ontario, P3L 1S7 Tel: 705-693-0300

September 21, 2006

Our Docket: GARDNER

VIA PUROLATOR COURRIER

The U.S. Commissioner of Patents
The U.S. Department of Commerce
PATENT OFFICE
401 Dulany Street
Alexandria, Virginia 22314
U.S.A.

Re:	PETITION FOR REVIVAL under 37 CFR 1.137(b)
Applicant(s):	GARDNER, Wilson
Application#:	10/714,956
Title:	BIOMECHANICALLY CORRECT PEDAL POWERED...
Filing Date:	11/18/2003
Examiner:	SOTELO, Jesus D.
GAU:	3617

Dear Sir,

Please find enclosed a petition in the matter of reviving the above-mentioned application.

It appears that the unintentional delay was caused due to the Canada Post mail forwarding system failing to forward your 11/23/2005 NOTICE to the recipient's new address.

The applicant hereby encloses a) a check in the amount of \$750.00USD to cover the petition fee, and b) a check in the amount of \$35.00USD to cover the shortage in excess claims fees as defined in your 11/23/2005 notice.

I trust this to be satisfactory and look forward to continued examination.

Yours truly,


Wilson Gardner
Applicant/Inventor
encls.